

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1783 OF 2007

M/s.Sony Mony Electronics Ltd.
A company registered under
Indian Companies Act, 1956
having its Registered office
at 1-8, Shreeji Apts.,
J.P. Road, Andheri (West),
Mumbai - 400 059

.. Petitioner.

Versus

1. The Assistant Commissioner
of Income Tax, Circle 8(3),
Aayakar Bhavan, M.K. Road,
Mumbai - 400 020.
2. The Addl. CIT, Range 8(3),
Aayakar Bhavan, M.K. Road,
Mumbai - 400 020.
3. The CIT - VIII, Aayakar
Bhavan, M.K. Road,
Mumbai - 400 020.
4. The Union of India through
its Advocate & Solicitors
having its office at Ayakar
Bhavan, M.K. Road,
Mumbai - 400 020

.. Respondents.

Mr.F.B. Andhyarujina, senior counsel with
Ms.Pallavi Divekar & Mrs.M.N. Lund for the
petitioner.

Mr.B.M. Chatterjee with Mrs.P.P. Bhosale and
Mr.P.S. Sahadevan for the respondents.

CORAM : F.I. REBELLO &
J.P. DEVADHAR, JJ.

DATED : 24TH SEPTEMBER, 2007.

ORAL JUDGMENT (Per J.P. Devadhar, J.)

1. Heard. Rule. Rule made returnable
forthwith. By consent of parties, the Writ Petition

is taken up for final hearing.

2. The challenge in this petition is firstly to the order appointing Special Auditor under Section 142 (2A) of the Income Tax Act, 1961 ('Act' for short) relating to A.Y. 2005-06, and secondly to the continuation of the Special Auditor who has already carried out Special Audit work partially.

3. After the matter was argued for some time, Mr.Andhyarujina, learned senior counsel appearing on behalf of the petitioner fairly stated that he is not pressing the first issue, in view of the fact that the revenue has acceded to the substitution of the Special Auditor appointed in the matter. Mr.Andhyarujina further stated that the petitioners shall pay the charges payable to M/s.Agrawal & Chajjed, Chartered Accountants in respect of the work already carried out by them as per the terms set out in the letter dated 31st May, 2007 and further, the petitioners shall also pay charges on the same terms to the substituted Chartered Accountants in respect of the special audit work to be done by them.

4. In this view of the matter, without going into the merits of the case, the petition is disposed of by passing the following order :

i) The concerned C.I.T. shall appoint substituted Chartered Accountant as Special Auditors to carry out Special Audit in the case of the Petitioner relating to A.Y.2005-06.

ii) The petitioners shall pay to M/s.Agrawal & Chajjed, Chartered Accountants the fees at the rate prescribed in letter dated 31st May, 2007 in respect of Special Audit already carried out by them.

iii) The petitioners agree and undertake to this Court to cooperate with the substituted Special Auditor to be appointed by the C.I.T. and agree to pay to the substituted Chartered Accountants fees for the special audit at the rate prescribed in the letter dated 31st May, 2007 (Exhibit "E" to this Writ Petition).

5. The Writ Petition is disposed of in the above terms, with no order as to costs.

(F.I. REBELLO, J.)

(J . P . DEVADHAR, J .)